IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Summons for Judgment No.872 of 2004
in
Sum Suit No 2622 of 2004

Surat Bottling Co Pvt Ltd...Plaintiffs

vs

M/s Padgilwar Agencies and ors...Defendants

Mr Anil Menon for plaintiffs

Mr A A Garge for defendant no l to 4

CORAM: S.U.KAMDAR J.

Dated 5.l0.2005

P.C:

. The present suit is filed on the basis of the letter dated 3.2.2003 at Exh A on page ll of the plaint. Admittedly the said letter which is addressed by themselves is addressed to a different firm known as Padgilwar Enterprises whereas the suit is filed against M/s Padgilwar Agencies. However, the learned advocate for the plaintiffs states that this is a mistake in the name wrongly mention that of the sister concern. This itself raises a triable issue . In that view of the

matter unconditional leave to defend is granted to the defendants. Summons for judgement is dismissed. Suit is transferred to the list of Commercial Cause. Written statement or points of defence to be filed within four weeks from today. Affidavits,list of documents to be filed within four weeks thereafter. Inspection and discovery within four weeks thereafter. Suit to be listed on board of the learned Judge taking Commercial Cause.